

Mediation can...

- **Improve your relationships in the workplace;**
- **Allow you to maintain control over the outcome;**
- **Prevent escalation of the problem;**
- **Preserve your rights to pursue further action if no resolution;**
- **Assure that your statements made during mediation remain confidential; and,**
- **Resolve conflict: over 90% of cases mediated have resulted in written agreements.**

STATE EMPLOYEE MEDIATION PROGRAM

INFORMATION



BROUGHT TO YOU BY

The
California
State
Personnel
Board

For more information about the
State Employee Mediation Program call:

Elise Rose (916) 653-1403

or

Bill Heal (916) 653-0443

or fax:

(916) 653-4256

Gatekeepers may request mediation by calling:

Dorothy Smith (916) 653-1749

or

Stacey Garcelon (916) 653-0350

How does the process work?

If you are involved in a workplace conflict (or represent someone who is) and want to request mediation, you need to find out if your department is participating in the program and who within your department or agency is the “gatekeeper” for the program. (If you cannot determine if your department or agency is participating in the program, call the State Personnel Board (SPB) — see back of this brochure.) The department gatekeeper will contact the other parties to the dispute and, if the other parties want to mediate, will contact the SPB for intake and referral to a case developer.

The case developer will discuss your problem with you and then contact the other party to determine whether mediation might help resolve the problem.

If the case is appropriate for mediation and both parties agree to meet, a date is set. Parties are welcome to bring representatives for support or counseling during the session.

During mediation, parties are each given an uninterrupted opportunity to tell their side of the conflict. With the guidance of the mediators, the parties eventually communicate directly with each other and begin to develop options for resolving the problem.

The mediation process is designed to not only solve current problems, but to assist parties in developing ways to resolve future disputes.

WHAT IS MEDIATION?

Mediation is a collaborative problem solving process. It's an effective alternative for resolving conflicts in the workplace.

Unlike adjudication or arbitration where a third party renders a decision, mediation is a tool that promotes better understanding in the workplace and assists employees and employers in reaching mutually satisfying solutions in workplace disputes.

WHAT TYPES OF ISSUES CAN BE MEDIATED?

Disputes naturally arise in the workplace over differences in culture, values, the work environment, breakdown in communication, fear of losing a job, or ineffective supervision.

Mediation is most effective when it is used as early as possible and before a formal claim or action is filed.

Mediation may also be a useful tool to resolve disputes arising out of:

- claims of discrimination;
- requests for reasonable accommodation;
- adverse actions; and,
- medical issues.

Mediation is *not* currently available to resolve disputes subject to the grievance process.

WHY USE MEDIATION?

It's quicker. Other complaint and appeal processes can take months or even years to complete while

parties must continue working together under stressful conditions.

Parties have more control. Traditional dispute resolution systems do not allow disputants to control the outcome; the imposed solution rarely resolves the original conflict.

Less stress in the workplace. Ongoing disputes can disrupt the entire workplace. Because mediation is designed to resolve the disputes quickly, the workplace is less likely to suffer from the disruption pending resolution. The win-win solutions resulting from mediation help prevent future disputes.

You have nothing to lose. Statements made during the mediation are confidential. By mediating, you do not waive your rights to pursue further action if the dispute does not resolve, as long as you preserve any applicable time limits.

ABOUT THE MEDIATORS:

The mediators are individuals trained to help disputing parties resolve their differences.

The mediators will:

- Listen to all sides of the problem;
- Ask questions about the problem;
- Help all parties communicate with each other;
- Help parties put the dispute in clear and concise terms so they can begin to discuss options for resolution;
- Help parties draft a mutually acceptable agreement specifically outlining the terms of the agreement.

The mediators won't:

- Impose a decision on either party or decide who is right or wrong.